

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 47976 of 2025**

Arising Out of PS. Case No.-7 Year-2025 Thana- BACHHWARA District- Begusarai

Pappu Bhagat S/o Shri Ram Bhagat @ Sri Ram Bhagat R/o Village- Naya  
Tola Bajitpur, ward No 45, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 69851 of 2025**

Arising Out of PS. Case No.-7 Year-2025 Thana- BACHHWARA District- Begusarai

Rupesh Kumar S/o Mantun Rai @ Mantun Ray Resident of Village-  
Matihani, Ward No.- 03, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 47976 of 2025)

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 69851 of 2025)

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      28-01-2026                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. Both the aforesaid applications arise out of the  
same NDPS Case No.1 of 2025, arising out of Bachhwara P.S.  
Case No. 07 of 2025, registered under Sections 8/20(b)(ii)(c) of



the NDPS Act. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

3. As per prosecution case, the police has recovered three bundles of Ganja weighing 45 Kg. (15 Kg. in each bundle) from the dicky of vehicle bearing Regd. No. BR01HY4851 and Ganja weighing 45 Kg. (15 Kg. in each bundle) from the dicky of vehicle bearing Regd. No. BR01DU7758.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case merely on the basis of suspicion. Nothing incriminating has been recovered from the conscious/physical possession of the petitioners. He further submits that in the entire investigation, not an iota of evidence has come showing the complicity of the petitioners in the alleged occurrence. The petitioners were only present in the vehicle, in question, and was not aware of the presence of the alleged contraband in the same. The petitioners are in custody since 07.01.2025 and have no criminal antecedent. Learned counsel for the Petitioners further laid much emphasis on the fact that the mandatory procedure as prescribed under Section 42 & 50 of the N.D.P.S. Act has not been followed in this case and, therefore, the Petitioners are



entitled to the benefit available in the event such mandatory procedure of section 42 & 50 is not followed and, hence, the Petitioners should be enlarged on bail on any terms and conditions deemed fit and proper by this court. There is also non-compliance of Section 103 of the B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners are serious in nature. Learned APP further submits that the quantity of recovered contraband is above the threshold of commercial quantity and, hence, rigors of Section 37 of the N.D.P.S. is attracted in the present case.

6. Considering the submissions made by learned counsels appearing for the both sides and on a careful examination of the materials on record, this Court is of the considered view that the learned counsel for the Petitioners have failed to make out a case for the release of the petitioners on bail. Moreover, considering the quantity of contraband Ganja seized, i.e. total 45 Kg., which is more than the commercial quantity, it appears that the bar under Section 37 of the N.D.P.S. Act would be directly applicable to the facts of the present case. In such view of the matter, this Court is not inclined to release



the Petitioner on bail at this juncture.

7. Accordingly, the prayer for bail of the petitioners are rejected with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

**(Rudra Prakash Mishra, J)**

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